

# U.S. Customs Service

## *Treasury Decisions*

19 CFR Part 4

(T.D. 02-62)

RIN 1515-AD11

### PRESENTATION OF VESSEL CARGO DECLARATION TO CUSTOMS BEFORE CARGO IS LADEN ABOARD VESSEL AT FOREIGN PORT FOR TRANSPORT TO THE UNITED STATES; TECHNICAL CORRECTION

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule; technical correction.

SUMMARY: This document contains a technical correction to the final regulations (T.D. 02-62), which were published Thursday, October 31, 2002. The regulations required the advance and accurate presentation of certain vessel cargo declaration information to Customs prior to lading the cargo aboard the vessel at the foreign port and encouraged the presentation of this information electronically.

EFFECTIVE DATE: December 2, 2002.

FOR FURTHER INFORMATION CONTACT: Kimberly Nott, Office of Field Operations, (202-927-0042).

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

On October 31, 2002, Customs published a final rule document in the Federal Register (67 FR 66318) as T.D. 02-62. The final rule concerned the requirement to provide advance and accurate presentation to Customs of certain vessel cargo declaration information prior to lading the cargo aboard the vessel at the foreign port and encouraged the presentation of this information electronically.

This correction concerns when a transmission of the required cargo declaration information must be made by an eligible non-vessel operating common carrier (NVOCC). Specifically, in T.D. 02-62, § 4.7(b)(2) of the Customs Regulations (19 CFR 4.7(b)(2)) correctly provided that

Customs must receive from the vessel carrier the vessel's Cargo Declaration, Customs Form 1302, or a Customs-approved electronic equivalent, 24 hours before such cargo was laden aboard the vessel at the foreign port. By contrast, § 4.7(b)(3)(i) inadvertently stated in effect that if an eligible NVOCC elected to file such cargo declaration information with Customs, the NVOCC would have to electronically transmit this information to Customs 24 hours before the related cargo was laden aboard the vessel at the foreign port.

However, under T.D. 02-62, both vessel carriers and NVOCCs were properly intended to be subject to the same 24-hour advance presentation requirement. As such, it was intended that under § 4.7(b)(3)(i) Customs likewise receive from a participating NVOCC the necessary cargo declaration information 24 hours before the related cargo was laden aboard the vessel at the foreign port. This document corrects that unintended inconsistency.

#### CORRECTION OF PUBLICATION

Accordingly, the publication on October 31, 2002 of the final regulations (T.D. 02-62), which were the subject of FR Doc. 02-27661, is corrected as follows:

On page 66331, in the second column, in § 4.7, in the first sentence of paragraph (b)(3)(i), on line 14, add between the words "Vessel Automated Manifest System (AMS)" and "24 or more hours" the words "that must be received".

Dated: January 9, 2003.

MICHAEL T. SCHMITZ,  
*Assistant Commissioner,*  
*Office of Regulations and Rulings.*

[Published in the Federal Register, January 14, 2003 (68 FR 1801)]

(T.D. 03-03)

## RECORDATION OF TRADE NAME: "ORTHOTEC"

AGENCY: Customs Service, Treasury.

ACTION: Notice of final action.

SUMMARY: This document provides notice that "ORTHOTEC" is recorded by Customs as the trade name for Orthotec, L.L.C., a Delaware Limited Liability Company organized under the laws of the State of Delaware, located at 9595 Wilshire Blvd., Suite 502, Beverly Hills, California 90212. This application for trade name recordation was properly submitted to Customs and published in the Federal Register. As no public comments in opposition to the recordation of this trade name was received by Customs within the 60-day comment period, the trade name is duly recorded with Customs and will remain in force as long as this trade name is used by this corporation, unless other action is required.

EFFECTIVE DATE: January 7, 2003.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Savoy, Intellectual Property Rights Branch, Office of Regulations & Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W. (Mint Annex) Washington, D.C. 20229; (202) 572-8710.

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

Trade names adopted by business entities may be recorded with Customs to afford the particular business entity with increased commercial protection. Customs procedure for recording trade names is provided at § 133.12 of the Customs Regulations (19 CFR 133.12) pursuant to section 42 of the Act of July 5, 1946, as amended (15 U.S.C. §1124). Pursuant to this regulatory provision, the Orthotec, L.L.C., a Delaware Limited Liability Company organized under the laws of the State of Delaware, and located at 9595 Wilshire Blvd., Suite 502, Beverly Hill, California 90212, applied to Customs for protection of its trade name "ORTHOTEC".

On Thursday, November 7, 2002, a notice of application for the recordation of the trade name "ORTHOTEC" was published in the Federal Register (67 FR 67894). The notice advised that before final action was taken on the application, consideration would be give to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name and received not later than January 6, 2003. The comment period closed January 6, 2003. No comments were received during the comment period. Accordingly, as provided by § 133.12 of the Customs Regulations, "ORTHOTEC" is recorded with Customs as the trade name of Orthotec, L.L.C., and will remain in force as long as this trade name is used by this corporation, unless other action is required.

The trade name is used on medical devices, more specifically, surgical implants made of stainless steel or titanium for spinal surgery, comprised of hooks, bolts, screws, rods, instruments and containers to hold the goods and instruments.

Dated: January 7, 2003.

JOANNE ROMAN STUMP  
*Chief,*  
*Intellectual Property Rights Branch.*

[Published in the Federal Register, January 13, 2003 (68 FR 1655)]